



City of Santa Barbara
Planning Division

Memorandum

DATE: February 14, 2018

TO: Single Family Design Board
Historic Landmarks Commission

FROM: Planning Division (805) 564-5470
Marck Aguilar, Project Planner

SUBJECT: New Accessory Dwelling Unit Ordinance—Update and Design Input

BACKGROUND

Effective January 1, 2017, state legislation (AB 2299 and SB 1069) nullified and replaced the City's regulations for Secondary Dwelling Units in the single family zones (SBMC Section 28.94.030 [Z.]) and Accessory Dwelling Units in the R-2 zone (SBMC Ch. 28.18), now referred to as Accessory Dwelling Units (ADU) citywide. The state ADU laws were further refined through the adoption of AB 494 and SB 229 in October 2017. These bills are described in an attachment to this memorandum (Attachment 1). Until the City adopts its own ordinance, staff is required to ministerially approve ADUs if the unit complies with state requirements for ADUs including reduced parking, the maximum allowable size of an ADU, and setbacks. The provisions of the state legislation also apply in the Coastal Zone but a proposed ADU may require a Coastal Development Permit (CDP) depending on the project type and location.

The City's Housing Element Policy H15 encourages ADUs as a means to provide additional rental housing in single family zones, while recognizing that Santa Barbara has unique characteristics that warrant some additional local oversight of these units. The majority of the ADU applications (approximately 78%) received since January 1, 2017 are for conversions of existing garages and accessory structures to ADUs.

In compliance with state legislation, the City is proposing to amend the Municipal Code to adopt local regulations related to ADUs. The City's consultant has developed draft language for the ordinance based on evolving legislation and public input. Several public meetings were conducted to review the draft ADU Ordinance including one Single Family Design Board (SFDB) and one Historic Landmarks Commission (HLC) meeting in July 2017 (see Attachment 2, Board and Commission Minutes), two Planning

Commission hearings on September 7, 2017 and January 25, 2018, and one City Council hearing on October 24, 2017, where Council members provided direction to staff on development regulations for ADUs and an amendment to Title 30 was initiated by the Council.

The purpose of this memorandum is to seek input from design review bodies on administrative design criteria. A City Council Ordinance Committee meeting is scheduled for February 27, 2017 and with this timeline, staff anticipates conveying design review body comments to the Ordinance Committee at the meeting.

ALLOWABLE ADU DEVELOPMENT STANDARDS

Within the limitations of state law, the City can impose development standards such as parking location, height, lot coverage, lot size, and maximum unit size as long as the standards do not unduly burden the development of ADUs. Also, ADUs can be precluded in areas with health and safety risks, such as high fire hazard areas, due to concerns of more residents living in areas with roads that are non-conforming to current access standards and the higher risk to fire personnel and the public evacuating from a wildfire.

Proposed ADU Ordinance

The major provisions of the proposed ADU Ordinance include the following:

Allowed Zones. ADUs are allowed on a lot with one existing or proposed residential unit in any zone that allows residential units as an allowed use.

Minimum floor area. 150 square feet for studio unit; 400 square feet for all other ADUs

Maximum floor area.

Attached Accessory Dwelling Unit. The maximum floor area of an attached Accessory Dwelling Unit shall not exceed 50 percent of the living area of the Primary Residential Unit, or 1,200 square feet, whichever is less.

Detached Accessory Dwelling Unit. The maximum floor area of a detached Accessory Dwelling Unit shall not exceed the following:

- a. *Lots less than 5,000 square feet:* 600 square feet
- b. *Lots 5,000 square feet up 9,999 square feet:* 800 square feet
- c. *Lots 10,000 up to 14,999:* 1,000 square feet
- d. *Lots 15,000 or larger:* 1,200 square feet

Junior Accessory Dwelling Unit. The maximum floor area of a Junior Accessory Dwelling Unit shall be 500 square feet. (JADUs are an accessory dwelling created by converting an existing bedroom in an existing Primary Dwelling Unit.)

Relation to Other Accessory Buildings. The floor area of a detached Accessory Dwelling Unit shall be included in the maximum total square footage allowed per lot for attached or detached covered parking and other detached accessory buildings, pursuant to Section 30.140.020.J, Maximum Floor Area.

Setbacks. ADUs to comply with setback standards applicable to residential units within the subject zone. No setback required for an existing garage or other accessory building that is converted to an ADU. For an ADU constructed above an existing garage, a reduced setback of 5 feet from interior lot lines is allowed.

Height.

Detached ADU: compliance with height standards applicable to accessory buildings.

Attached ADU: compliance with height standards applicable to the primary unit in the zone.

Parking. No additional parking required for ADU or JADU. If covered parking is converted or demolished to create the ADU parking for the primary unit must be replaced on site (may be covered or uncovered, tandem, or in a mechanical lift).

Architectural Review. ADUs that meet specific design review criteria shall be approved ministerially by the Community Development Director. ADUs that do not meet the design review criteria may choose to pursue SFDB review.

Historic Resources, Protection. An ADU shall not be allowed if the proposal would cause a substantial adverse change in the significance of a historic resource listed on the National Register of Historic Places, California Register of Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a Historic District.

Owner Occupancy. The property owner shall reside in and maintain either the Primary Residential Unit or the ADU/Junior ADU. Hardship waiver available for up to three years.

High Fire Hazard Areas. Staff recommends prohibiting ADUs in the Foothill and Extreme Foothill High Fire Hazard Areas based on the City's Wildland Fire Plan,

General Plan Policies and Plan Santa Barbara Program EIR (September 2010 Certified Final). ADUs would be allowed in the Coastal and Coastal Interior High Fire Hazard Zones.

Floor to Lot Area Ratio (FAR). ADUs shall be included in the maximum Floor to Lot Area ratio (FAR).

ADMINISTRATIVE DESIGN CRITERIA

Accessory dwelling units will require administrative review as a ministerial action by the Community Development Director. Within the limitations of the ADU legislation, the City has drafted ADU design criteria for administrative review. The criteria would be included within the Municipal Code, rather than within the SFDB Guidelines as was previously anticipated. It is envisioned that the criteria would be included in a yes/no style questionnaire in the ADU Submittal packet so that applicants could easily determine if the proposal qualifies. If the proposal does not qualify under the checklist criteria, applicants could opt for SFDB review for variations to the criteria.

Staff is seeking input from design review bodies on the draft criteria (Attachment 3). The criteria are intended to guide staff's review of ADU proposals, similar to administrative review standards for other minor development proposals, such that they do not unreasonably restrict the ability of the homeowners to create ADUs, which would be contrary to the intent of the California Legislature.

NEXT STEPS

The draft ADU Ordinance is scheduled to be discussed by the City Council Ordinance Committee on February 27, 2018, (report available February 22, 2018) to be followed by a City Council hearing in March/April 2018 to consider adopting revisions to Santa Barbara Municipal Code Title 30. After adoption, the approved ordinance will be sent to the State Department of Housing and Community Development for review per state law. In the Coastal Zone, the ADU Ordinance will become effective after Title 30 is certified by the California Coastal Commission. Submittal to the Coastal Commission is anticipated for late 2018 with certification potentially in 2019-2020.

Attachments:

1. Summary of State Legislative Bills for Accessory Dwelling Units
2. ADU Discussion Minutes, SFDB, July, 24, 2017 and HLC, July 26, 2017
3. Draft ADU Administrative Design Criteria

Summary of State Legislative Bills for
Accessory Dwelling Units

SB 1069 (Wieckowski)

Approved by Governor September 27, 2016, effective January 1, 2017.

SB 1069 reduces parking requirements to one space per bedroom or unit. Authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. No parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit
- Is within architecturally and historically significant district
- Is part of an existing primary residence or an existing accessory structure
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU
- Is located within one block of a car share area

SB 1069 includes provisions that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence. The bill also requires that local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

AB 2299 (Bloom)

Approved by Governor September 27, 2016, effective January 1, 2017.

AB 2299 requires a local government to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, including the following:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.
- Compliance with local building code requirements.

- Approval by the local health officer where private sewage disposal system is being used.

AB 2406 (Thurmond)

Approved by Governor September 27, 2016, effective January 1, 2017.

AB 2406 authorizes local governments to permit junior accessory dwelling units (JADUs) that cannot exceed 500 square feet. Adoption of a JADU ordinance is optional.

The ordinance includes the following:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

AB 494 (Bloom)

Approved by Governor on October 8, 2017, effective January 1, 2018

This bill includes the following provisions:

- Clarifies that an ADU is not intended for sale separate from the primary residence and may be rented.
- Requires that no setback is required for an existing garage that is converted to an ADU.
- Requires a maximum of 1 parking space per ADU and that the parking space could be located in any configuration when a garage or carport is converted to an ADU.
- Clarifies that an accessory structure includes a studio, pool house, or similar structure.

SB 229 (Wieckowski)

Approved by Governor on October 8, 2017, effective January 1, 2018

The major provisions of SB 229 are as follows:

- The bill authorizes a local agency to provide by ordinance for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use.
- Authorizes the local ordinance to prohibit the sale or other conveyance of the unit separate from the primary residence.
- Redefines tandem parking to mean that two or more automobiles are e parked on a driveway or in any other location on a lot, lined up behind one another.
- The bill authorizes the State Department of Housing and Community Development to review and comment on an ADU ordinance.

Single Family Design Board Minutes July 24, 2017

DISCUSSION ITEM

1. ACCESSORY DWELLING UNIT (ADU) ORDINANCE

(3:10) Staff: Rosie Dyste, Project Planner

(Staff discussion of the state's requirements for Accessory Dwelling Units (ADUs), the City's consideration of ADU standards related to design review, and the City's proposed project-specific design standards for administrative approval. Release of the Draft ADU Ordinance for public and Planning Commission review is anticipated in late summer 2017.)

Present: Rosie Dyste, Project Planner; and Renee Brooke, City Planner

Public comment opened at 3:27 p.m.

Nancy Mulholland stated there is a need for less unduly burdened affordable housing, and the restrictions on ADUs in lots zoned R-3 or R-4 and under 5,000 square feet are in violation of the state law and should be eliminated.

Public comment closed at 3:30 p.m.

Discussion held.

Board comments:

1. Board Member Miller requested clarification on screening regulations applicable to ADUs or non-ADUs, with staff to clarify at a later time.
2. Board Member Moticha requested clarification on the Board's purview of single locations around the City. He also commented on existing ADUs regarding the expense and compliance involved with new ADUs.
3. Board Member James requested clarification on regulating ADUs with regard to floor-to-lot area ratios (FARs) and if accessory dwelling units, decks, etc. would count toward the FAR calculation of project square footage, and Ms. Brooke confirmed that certain ADUs would count toward the FAR calculation. Board Member James also requested staff clarification of the Housing Element Plan (H-15) regarding site plans and flexibility.
4. Board Member Miller had concerns regarding high density units and impacts to quality of life, traffic, and public transportation.
5. Chair Sweeney commented that local architects were recognized at the most recent ADU meeting. He also requested staff clarification on square footage, additions such as decks, neighborhood compatibility, and what denotes a "neighborhood" for ADU projects.

Historic Landmarks Commission Minutes July 26, 2017

DISCUSSION ITEM

7. ACCESSORY DWELLING UNIT (ADU) ORDINANCE

(2:30) Staff: Rosie Dyste, Project Planner

(Staff discussion of the state's requirements for Accessory Dwelling Units (ADUs), the City's consideration of ADU standards related to design review, and the City's proposed project-specific design standards for administrative approval. Release of the Draft ADU Ordinance for public and Planning Commission review is anticipated in late summer 2017.)

Present: Rosie Dyste, Project Planner and Renee Brooke, City Planner, City of Santa Barbara

Public comment opened at 3:17 p.m.

Kellam de Forest asked if protection of historic resources could include potential historic resources. He also expressed concern about preservation of significant plantings, especially trees; decks; notification to neighbors; and second stories on garages.

Public comment closed at 3:19 p.m.

Public comment re-opened at 3:49 p.m.

Sheila Lodge, Planning Commission liaison, stated that there will be an ADU discussion with State Senator Bob Wieckowski on August 11, 10 a.m.-12:00 p.m., at the New Vic Theatre.

Public comment closed at 3:51 p.m.

Discussion held.

Commission comments:

1. Commissioner Drury: Expressed confidence in staff addressing HLC concerns, though a subcommittee may be worthwhile at some point.
2. Commissioner Mahan: There are complexities to building these units that the legislature may not have considered. Suggested that in lieu of discretionary review, design professionals could offer advice.
3. Commissioner La Voie: Emphasized the importance of a desirable living environment. Identify what makes Santa Barbara special, and achieve a balance with that and providing housing. Consider safety, infrastructure, and natural resources.
4. Commissioner Suding: We need to address this crisis in a sensitive and thoughtful way, attending to all the details, to preserve Santa Barbara.
5. Commissioner Orías: Check to make sure fire hazard map is up to date. Expressed serious concern about resident safety and circulation of residents in an emergency. Also questioned if infrastructure is sufficient to support additional buildings. Emphasized that units should be compatible with the neighborhood; heights of buildings should be sympathetic to each other. Make the language of the ordinance specific and clear. Would like proposed language to return to HLC for discussion.

ADU Design Criteria

Draft for Title 30

Chapter 30.185 Standards for Specific Uses and Activities

30.185.040 Accessory Dwelling Units

V. **Architectural Review.** The creation of an Accessory Dwelling Unit shall be subject to administrative architectural review. Accessory Dwelling Units that meet the following design criteria shall be approved ministerially by the Community Development Director. An Accessory Dwelling Unit that does not meet these design criteria may be referred to the Single Family Design Board or Historic Landmarks Commission, as appropriate, for review. The following criteria shall apply to the construction of any Accessory Dwelling Unit:

1. **Prohibition of Shiny Roofing and Siding.** New roofing and siding materials that are, shiny, mirror-like, or of a glossy metallic finish are prohibited.
2. **Roof Tile.** Where a new roof for architecture based on Hispanic, Spanish and Mexican cultural influences is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and clay S-tile is prohibited, unless necessary to match the roof of the existing Primary Residential Unit.
3. **Skylights.** New skylights shall have flat glass panels. “Bubble” type skylights are not allowed.
4. **Glass Guardrails.** New glass guardrails are not allowed, unless necessary to match the guardrails of the existing Primary Residential Unit.
5. **Garage Conversion.** If a garage is converted to an Accessory Dwelling Unit, the garage door opening shall be replaced with siding, or residential windows and doors, to match the existing garage.
6. **Height.** The construction of an Accessory Dwelling Unit shall not exceed the height or the number of stories of the Primary Residential Unit or 17 feet, whichever is greater. This height limitation is not applicable to an Accessory Dwelling Unit constructed above a garage.
7. **Front Yard Location.** The construction of a new detached Accessory Dwelling Unit located in the front yard shall be subject to all of the following:
 - a. The new unit must be located a minimum of 20 feet back from a front lot line, or meet the minimum front setback for the zone, whichever is greater.
 - b. Unless constructed over a garage, the new unit shall be:
 - i. no more than one-story and less than 17 feet in height, and
 - ii. screened from the street by landscape or topography.

8. ***Design Style.*** New detached or attached Accessory Dwelling Units shall match the design of the Primary Residential Unit regarding style, fenestration, materials, colors and details if the Accessory Dwelling Unit meets any of the following:
 - a. attached to, or if any portion of the Accessory Dwelling Unit is located within 20 feet of, the Primary Residential Unit;
 - b. located in the Hillside Design District;
 - c. two or more stories tall, or 17 feet or taller in building height;
 - d. located on a site on which there is a historical resource listed on the National Register of Historic Places or the California Register of Historic Places, or designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic district; or
 - e. located in the front yard.
9. ***Privacy Standards.*** The construction of an Accessory Dwelling Unit where any portion of the proposed construction is either: two or more stories tall, or 17 feet or taller in building height, shall comply with the following:
 - a. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.
 - b. Upper story unenclosed landings, decks and balconies, that do not face or overlook the adjoining property, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings or perimeter planters with a five foot minimum height is incorporated into the structure.
 - c. Upper story windows, or any portion of a window located higher than six feet above existing or proposed adjacent grade, that face or overlook the adjoining property, and located within 15 feet of the interior lot lines, shall be installed a minimum of 42 inches above finish floor.

The portions of a building or site considered to be the Accessory Dwelling Unit shall include all the contiguous interior livable floor area of the Accessory Dwelling Unit, as well as any exterior alterations directly attached to, and related to, the livable floor area of the Accessory Dwelling Unit. Discretionary design review may be required for any exterior alterations to the site or Primary Residential Unit that are not a part of the Accessory Dwelling Unit, but are proposed in conjunction with the Accessory Dwelling Unit, if required pursuant to Chapters 22.22, 22.68, or 22.69 of this Code.